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In The
SUPREME COURT OF THE UNITED STATES

No. 416, October Term, 1969

L. E. RIFFE, *Petitioner*,

vs.

WILSHIRE OIL COMPANY OF TEXAS, *Respondent*.

ADDITIONAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

GERALD G. STAMPER
THORNTON & STAMPER
1111 Mid-Continent Building
Tulsa, Oklahoma 74103
918-587-2544

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ADDITIONAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

No. 5861—Civil

WILSHIRE OIL COMPANY OF TEXAS,
a corporation,
Plaintiff,

vs.

L. E. RIFFE, et al.,
Defendants

JUDGMENT AND ORDER IN AID OF JUDGMENT; ASSESSMENT OF DAMAGES

This matter comes on before the Court on February 14, 1968, upon Plaintiff Wilshire Oil Company's MOTION FOR ASSESSMENT OF DAMAGES, PURSUANT TO JUDGMENT,

AND TAXATION OF COSTS heretofore filed on or about January 10, 1968; and the Court having heard representations and argument by counsel for the respective parties hereto; having heard testimony and having considered certain exhibits; having considered the legal briefs of the parties; and being satisfied in the premises;

The Court finds that six trusts created by L. E. Riffe and his wife for the benefit of their daughters (Riffe Trusts) acquired from A. V. Murray 900 shares of the common stock of Redstone Asphalt and Petroleum Company for a total consideration of $9,000.00. A. V. Murray had agreed to give to the Riffe Trusts one-half of a commission in the total amount of $16,050.00 paid to him by Anco Manufacturing Company for his assistance in obtaining for Anco the contract for construction of an asphalt plant for Redstone. The one-half of the said commission, $8,025.00, was not actually paid to the Riffe Trusts, but was credited upon the purchase price of the Redstone stock. The balance of the purchase price, $975.00, was paid by cash by the Riffe Trusts to A. V. Murray.

The Court further finds that the 900 shares of Redstone stock were sold by the Riffe Trusts for $36,888.59. Thus, after deducting the sum of $975.00 paid in cash for the stock, $35,913.59 was the total realized from the sale of the Redstone stock and one-half of the Anco commission.

The Court finds that Plaintiff Wilshire is entitled to have a judgment against Defendant L. E. Riffe in the amount of $35,913.59 together with interest upon said sum at the rate of 6% per annum from the 31st day of December, 1962 to February 14, 1968, interest being in the amount of $11,037.14.

The Court finds in connection with the claim of Plaintiff Wilshire for a recovery of a percentage of the salaries and bonuses paid to the Defendant L. E. Riffe during the year in question should be denied and in this connection the Court finds that Defendant L. E. Riffe rendered good and valuable services to the Plaintiff Wilshire during said year.

That this Court denied this claim, that is the claim for a percentage of the salaries and bonuses at the end of the trial of the case, which denial was affirmed by the Appellate Court in that the Appellate Court did not reverse the trial Court in this regard.

The Court finds from the evidence presented that Plaintiff Wilshire has expended and paid costs in the amount of $6,524.23 and that Defendant L. E. Riffe has expended and paid costs in the amount of $4,736.18 in connection with this action and the appeal thereof. The Court further finds that, of the said sum expended by Plaintiff, the sum of $1,121.30 represents costs incurred on appeal to the United States Circuit Court of Appeals for the Tenth Circuit, as shown by the certificate of the Clerk of that Court.

The Court further finds that by virtue of the judgment rendered by the United States Court of Appeals for the Tenth Circuit in this action, Plaintiff Wilshire is entitled to recover the said sum of $1,121.30 from Defendant L. E. Riffe. The Court finds that, considering all factors of this action and its outcome, in fairness and justice, Plaintiff Wilshire and Defendant L. E. Riffe should each bear and pay the costs respectively incurred, except for those costs of $1,121.30 accrued on appeal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that the Plaintiff Wilshire have and recover of and from Defendant L. E. Riffe the sum of $46,950.73, together with the sum of $1,121.30, or a total of $48,082.03, for all of which let execution issue.

Dated this 27 day of February, 1968.

/s/ LUTHER BOHANON

United States District Judge

Filed, Feb. 28, 1968. Noble C. Hood, Clerk, U. S. District Court